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Serial No. 10/038,528

NOV 22 2006

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks, which are responsive to the final Office Action mailed on August 22, 2006. Through this response, Claims 1-4, 17, 19, and 26-27 are amended and Claim 18 is cancelled. Claims 1-17 and 19-27 are now pending in the present application. Claims 1 and 17 remain the independent claims.

**A. Statement of the Rejection**

The Examiner rejects Claims 1-27 in the above-identified patent application. Specifically, the Examiner rejects independent Claim 1 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,397,352 ("Chandrasekaran") and Claim 17 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,836,792 ("Chen"). Additionally, the Examiner rejects Claims 2-3 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in view of U.S. Patent No. 6,584,312 ("Morin"); Claims 4-5, 7, 9-11, and 15 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin and U.S. Patent No. 6,804,333 ("Liu"); Claim 6 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin, Liu, and U.S. Patent No. 6,917,979 ("Dutra"); Claim 8 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin, Liu, and U.S. Patent No. 6,205,482 ("Navarre"); Claim 12 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin, Liu, and U.S. Patent No. 5,903,723 ("Beck"); Claim 13 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin, Liu, and U.S. Patent No. 6,721,322 ("Lakhani"); Claim 14 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin, Liu, and U.S. Patent No. 6,493,726 ("Ganesh"); Claim 16 under 35 U.S.C. § 103(a) as unpatentable over Chandrasekaran in combination with Morin, Liu, and

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Dutra; Claims 18-19, 26-27 under 35 U.S.C. § 103(a) as unpatentable over the combinations of Chen with Morin; Claims 20-21 and 24-25 under 35 U.S.C. § 103(a) as unpatentable over the combinations of Chen, Morin, and Liu; and Claims 22-23 under 35 U.S.C. § 103(a) as unpatentable over the combinations of Chen, Morin, Liu and Dutra. The Applicants respectfully traverse the above-recited rejections.

**B. Traversal of the Rejection of Independent Claims 1 and 17 under 35 U.S.C. § 102(e)**

The Examiner alleges that Chandrasekaran discloses the invention recited by Claim 1. (First Office Action at page 2; Final Office Action at page 2.) The Examiner alleges that Chen discloses the invention recited by Claim 17. (Final Office Action at page 7.) The Examiner further alleges that the combination of Morin with the above references discloses the solution of configuring a message for transmission over a communication by associating a transmission profile with the message. (First Office Action at pages 3-4; Final Office Action at page 9.)

For the reasons outlined below, Applicants respectfully traverses the Examiner's conclusions and submit that amended Claims 1 and 17 are novel and non-obvious in light of the cited references.

1. Morin does not teach or suggest configuring a message for transmission over a communication network by associating a transmission profile with the message

Amended independent Claims 1 and 17 recite configuring a message for transmission over a communication network by "associating a transmission profile comprising message processing information with the message." The Examiner correctly points out that Chandrasekaran, Navarre, and Chen do not disclose this limitation. (See First Office Action at pages 4 and 10; Final Office Action at page 8.) The Examiner, however, alleges that combining Morin with Chandrasekaran or Chen renders the limitation obvious because Morin discloses a

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subscriber profile, (First Office Action at pages 4 and 10; Final Office Action at page 8.) The Applicant respectfully traverses this conclusion by the Examiner.

Morin is directed to providing cellular subscriber services to mobile subscribers who have moved to an area covered by a different mobile switching center (MSC). (Morin, col. 1, lines 41-46; col. 2, lines 13-23). As a subscriber moves from area to area, the MSC servicing the cellular subscriber's device changes. If a service selected by a subscriber (e.g., call waiting, call forwarding) is not supported by the particular MSC, Morin discloses that a comparable service is identified and provided to the subscriber. (Morin, col. 1, lines 18-20; col. 2, lines 15-23). In performing this process, it is necessary for the MSC to identify the services selected by the mobile subscriber. (Morin, col. 1, lines 52-65.) These service are contained in a record known as a subscriber profile. (Morin, col. 1, lines 52-54.) This subscriber profile is stored in a database called a home location register. (Morin, col. 1, lines 54-56.) Therefore, when a subscriber enters an area serviced by a different MSC, the MSC can download the subscriber's profile from the subscriber's home location register. (Morin, col. 1, lines 56-60). Upon receiving the subscriber profile, the MSC compares and identifies subscriber services supported by the MSC and, in instances where subscriber services are not supported, identifies comparable services to provide to the cellular subscriber. (Morin, col. 2, lines 16-20.)

Thus, Morin discloses (1) downloading a profile of subscriber services, (2) comparing those services to services offered by the MSC, and (3) providing the same or similar or services to the subscriber. Importantly, however, nowhere does Morin disclose configuring a message for transmission over a communication network by associating a transmission profile comprising message processing information with the message, as required by amended

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amended independent Claims 1 and 17. The specification of the present application describe an exemplary embodiment for associating a transmission profile with a message:

A host application 108 or a distributed application 128 may require the use of a particular transport 170-176 given a certain set of conditions and may require the use of a second transport given a second set of conditions. To accommodate this, an exemplary operation of the present invention also includes a profile manager 178 that can operate in conjunction with a profile database 180 to coordinate the operations of the distributed computer program interface 132 and the transport 170-176. Specifically, the profile manager can determine certain characteristics of a message and can access the profile database 180 to determine how the message should be processed for transmission and which the transport to use. The profile database 180 could be implemented as a multi-dimensional table from which the profile manager 178 can look up the relevant data with reference to the determined characteristics of the subject matter. Accordingly, the appropriate transport and other message processing information can be determined for a particular message. (Specification, page 43, lines 7-19.)

Consistent with this exemplary embodiment, the inventions recited by Claim 1 and Claim 17 associate a transmission profile with a message to determine message processing information. In contrast, Morin discloses that the profile downloaded by the MSC contains information regarding subscriber services—not message processing information, and the subscriber profile is associated with a subscriber—not a message. Thus, the combination of Morin with Chandrasekaran and Morin with Chen does not provide the solution of associating a transmission profile comprising message processing information with a message, as recited by Claims 1 and 17. Accordingly, the Applicant respectfully submits that the amended Claims 1 and 17 are not disclosed by the cited references.

**2. There is not sufficient motivation or suggestion for one of ordinary skill in the art to combine Morin with Chandrasekaran or Morin with Chen**

Morin is not relevant to the invention recited by Claims 1 and 17. Morin concerns the technical art of providing subscriber services to a wireless subscriber. In contrast, the inventions recited by Claims 1 and 17 involve the dissimilar technical art of processing messages between a

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host system and distributed computer system. Although the Examiner acknowledges that the references must contain motivation, teaching, or suggestion to combine (Final Office Action at page 6), the Examiner does not provide any evidence of suggestion, teaching, or motivation for combining the references. As acknowledged by the Examiner, Chandrasekaran does not explicitly suggest or teach configuring a message. (See Final Office Action at pages 3-4.) Therefore, despite any potential "implicit" configuration of messages that may occur in Chandrasekaran, the reference does not suggest or provide motivation to one of ordinary skill in the art to identify a better way to perform the alleged configuration. Further, Chen does not suggest that its converting of e-mails for presentation to the recipient is deficient in any way, and Chen certainly would not provide any motivation or suggestion to one of ordinary skill in the art to look to the wholly dissimilar technical art of providing wireless subscriber services when determining how to convert emails into an appropriate format for delivery to an email recipient (e.g., HTML). (See Chen, col. 9, lines 13-15.) Accordingly, the Applicants respectfully submit that the combination of Morin with Chandrasekaran and Morin with Chen is improper.

**3. Even assuming *arguendo* that one of ordinary skill in the art would combine Morin with Chandrasekaran or Morin with Chen, these combinations would not result in the inventions of Claims 1 and 17**

Even if one of ordinary skill in the art could find suggestion or motivation to combine references, the resulting combination of Morin with Chandrasekaran and Morin with Chen would not result in the inventions recited by Applicants' amended Claims 1 and 17. The Examiner states that Morin is combined with the references "to support more details about configuring messages with support for establishing [a] connection session." (Final Office Action at page 6.) However, as explained above, Morin is unrelated to configuring messages for transmission over a communication network, but instead describes identifying subscriber services available to

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wireless subscribers. The Examiner makes this point clear in the rejection by noting that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Morin's disclosure of associating subscriber's request with subscriber's profile with Chen's system in order to identify service based on [a] subscriber register profile." (Final Office Action at page 9 (emphasis added).) Despite whether this would have been obvious, the Examiner's combined solution involving identifying services based on a subscriber register profile is not the same as associating a transmission profile with a message, as recited by Claims 1 and 17. Accordingly, Applicants submit that the combinations of Morin with Chandrasekaran and Morin with Chen do not produce the solutions of Claims 1 and 17.

**C. Traversal of the Rejection of Dependent Claims 2-16 and 19-27 under 35 U.S.C. § 103(a)**

Applicants respectfully request that the Examiner withdraw the rejection of dependent Claims 2-16 and 19-27. If an independent claim is allowable, then the claims dependent therefrom should also be allowable because they include all of the limitations of the independent claim. In view of the foregoing remarks with respect to amended independent Claims 1 and 17, Applicants respectfully submit that each dependent claim is patentable over the combination of the cited references. In addition, Applicants respectfully submit that there are other reasons supporting the novelty and non-obviousness of Claims 2-16 and 19-27, some of which are addressed below.

- 1. The combination of Chandrasekaran and Morin does not teach or suggest determining how a message should be processed and associating the message with a communication network connection device**

As discussed above, Morin does not disclose configuring a message by associating a transmission profile with the message. Hence, the invention recited by amended Claim 2 (i.e.,

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determining how a message should be processed for transmission and associating the message with a communication network device) is also not disclosed by Morin. For this reason, the Applicants respectfully submit that Claim 2 is novel and non-obvious in light of the cited references.

**2. The combination of Chen and Morin does not teach or suggest that a transmission profile comprises a transport identifier or a service identifier**

Because Morin does not disclose configuring a message by associating a transmission profile with the message, it also does not disclose that the transmission profile comprises a transport identifier or a service identifier. In fact, as stated previously, Morin has nothing to do with the transmission of messages, and it therefore does not disclose what identifiers may be used to facilitate that transmission. Further, Chen discloses converting an email "into an appropriate format for presentation to the recipient" (Chen, col. 9, lines 13-15) instead of associating the message "with a transport to be used to transmit the message over the communication network," as recited by Claim 26, or associating the message "with a message format to be used to transmit the message over the communication network," as recited by Claim 27. Accordingly, the Applicants respectfully submit that Claims 26 and 27 are not suggested or disclosed by the combination of Chen and Morin.

**3. Liu does not disclose or suggest associating a transmission profile with a message based on a message characteristic**

Liu discloses a system and method for directing incoming phone calls. A user calls a computer system and is presented a choice of services to select from. (Liu, col. 3, lines 14-30). The user selects a service and the computer directs the call to the appropriate telephone agent. (See Liu, col. 3, lines 14-33). Thus, Liu discloses routing a telephone call, not associating a transmission profile with a message based on the characteristics of the message. For sure, any

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routing of the phone call is performed by the user and is not determined from a message characteristic. Accordingly, the Applicants submit that the Examiner's rejections as to Claims 4-5, 7, 9-10, 15, and 20-25 are improper and request that they be withdrawn.

**4. Dutra does not does not disclose or suggest associating a transmission profile with a message based on a message characteristic**

Dutra discloses a system and method for managing compliance with service level agreements. (Dutra, col. 5, lines 15-16). The system includes a storage device and queue manager that prioritizes a list of delivery jobs. (Dutra, col. 5, lines 15-24). Dutra does not disclose associating a transmission profile with a message based on the characteristics of the message. Accordingly, the Applicants submit that the Examiner's rejections as to Claims 6 and 22-23 are improper and request that they be withdrawn.

**5. Lakhani does not disclose a request reply message**

The Examiner asserts that Lakhani discloses a "Reply" message. (First Office Action at page 8.) However, Claim 13 recites that the message is a "request reply message"—not a "Reply" message. Accordingly, Applicants respectfully submits that the rejection as to Claim 13 is improper and request that it be withdrawn.



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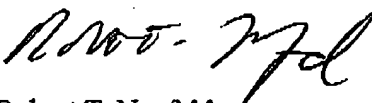
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CONCLUSION

The foregoing is submitted as a full and complete response to the final Office Action mailed August 22, 2006. Applicants' remarks above should not be construed as an admission as to the validity of the references as prior art under 35 U.S.C. § 102(e) or § 103(a). Applicants expressly reserve the right to file an affidavit under 37 CFR § 1.131, or otherwise antedate the cited references, should the Applicants choose to do so in the future. In any event, Applicants respectfully submit that, in view of the remarks above, the rejections cited by the Examiner under 35 U.S.C. § 102(e) and § 103(a) are improper and are not supported by the cited references.

Applicants thank Examiner Lan Dai T. Truong for his consideration of the submitted remarks. Applicants have shown that the pending claims are allowable and, therefore, allowance of Claims 1-27 is respectfully requested. Furthermore, it is believed that this response places the application in condition for allowance and such action is courteously requested. If there are any issues that can be resolved with an Examiner's Amendment or a telephone conference, a telephone call to the undersigned attorney at 404.572.4600 is respectfully requested.

Respectfully submitted,



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